

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/517,338
Applicant : WARNAAR et al
Filed : December 9, 2004
TC/A.U. : 1642
Examiner : Catherine Joyce
Docket No. : 2923-672
Customer No. : 6449
Confirmation No. : 2944

RULE 1.132 DECLARATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

We, Stefan Ullrich and Sven Warnaar, declare as follows:

1. That, Stefan Ullrich and Sven Warnaar are co-inventors of the subject matter described and claimed in the United States Patent Application Serial No. 10/517,338, filed on December 9, 2004, entitled "Co-administration of CG250 and IL-2 or IFN- α for Treating Cancer Such As Renal Cell Carcinomas".

2. That, Stefan Ullrich and Sven Warnaar are co-authors of an article entitled "A Phase II Trial with Monoclonal Antibody WX-250 in Advanced Renal Cell Carcinoma", *European Urology Supplements*, vol. 1, No. 1, January 2002, page 112. This document is, and has been, referred to as "the Bluemer document" or "Bluemer" during the course of prosecution of United States Patent Application Serial No. 10/517,338.

3. That, Stefan Ullrich and Sven Warnaar are co-inventors of the subject matter disclosed in this publication and co-inventors of the subject matter disclosed and claimed in the present application.

4. That the above publication entitled "A Phase II Trial with Monoclonal Antibody WX-250 in Advanced Renal Cell Carcinoma" refers to a monotherapy without the co-administration of any other drug or compound.

5. That a skilled artisan would recognize the above publication entitled "A Phase II Trial with Monoclonal Antibody WX-250 in Advanced Renal Cell Carcinoma" as teaching a treatment of renal cell carcinoma with the G250 antibody as a "second-line" treatment, meaning that the group of 22 patients who received a first treatment of either interferon- α or interleukin-2 were progressive afterwards because the treatment of renal cell carcinoma with either interferon- α or interleukin-2 was found to not be efficacious. Otherwise, the patients would not have needed a further, and different, treatment.

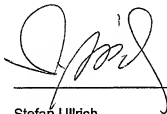
6. That, the claims of United States Patent Application Serial No. 10/517,338 are drawn to a co-administration of an antitumor antibody (e.g. G250) and interferon (e.g. interferon- α). That this co-administration of G250 and interferon- α leads to an increased efficacy in the treatment of renal cell carcinoma as compared to administration of either G250 or interferon- α alone along with a reduction in side effects. The increased efficacy is due to a synergistic effect from the co-administration of the anti-tumor antibody and an interferon. This synergistic effect could not have been predicted from the disclosure in Bluemer which discloses only a monotherapy.

7. That data regarding the increased has been presented at: 1) the UAU Meeting that took place in Anaheim, California from May 19, 2007 to May 23, 2007; 2) the ASCO meeting that took place in Chicago, Illinois from June 1, 2007 to June 5, 2007; and 3) the UCS meeting that took place on October 12-23, 2007. This data is included in Appendix A.

8. That the data shows that a combination therapy of G250 and IFN- α has increased efficacy as compared to a G250 monotherapy as disclosed in Bluemer.

9. The undersigned further declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

by



Stefan Ullrich

Feb 02, 2008

Date

Sven Warnaar

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/517,338
 Applicant : WARNAAR et al
 Filed : December 9, 2004
 TC/A.U. : 1642
 Examiner : Catherine Joyce
 Docket No. : 2923-672
 Customer No. : 6449
 Confirmation No. : 2944

RULE 1.132 DECLARATION


Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

We, Stefan Ullrich and Sven Warnaar, declare as follows:

1. That, Stefan Ullrich and Sven Warnaar are co-inventors of the subject matter described and claimed in the United States Patent Application Serial No. 10/517,338, filed on December 9, 2004, entitled "Co-administration of CG250 and IL-2 or IFN- α for Treating Cancer Such As Renal Cell Carcinomas".

2. That, Stefan Ullrich and Sven Warnaar are co-authors of an article entitled "A Phase II Trial with Monoclonal Antibody WX-250 in Advanced Renal Cell Carcinoma", *European Urology Supplements*, vol. 1, No. 1, January 2002, page 112. This document is, and has been, referred to as "the Bleumer document" or "Bleumer" during the course of prosecution of United States Patent Application Serial No. 10/517,338.

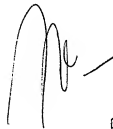

 12 Feb 2008

3. That, Stefan Ullrich and Sven Warnaar are co-inventors of the subject matter disclosed in this publication and co-inventors of the subject matter disclosed and claimed in the present application.

4. That the above publication entitled "A Phase II Trial with Monoclonal Antibody WX-250 in Advanced Renal Cell Carcinoma" refers to a monotherapy without the co-administration of any other drug or compound.

5. That a skilled artisan would recognize the above publication entitled "A Phase II Trial with Monoclonal Antibody WX-250 in Advanced Renal Cell Carcinoma" as teaching a treatment of renal cell carcinoma with the G250 antibody as a "second-line" treatment, meaning that the group of 22 patients who received a first treatment of either interferon- α or interleukin-2 were progressive afterwards because the treatment of renal cell carcinoma with either interferon- α or interleukin-2 was found to not be efficacious. Otherwise, the patients would not have needed a further, and different, treatment.

6. That, the claims of United States Patent Application Serial No. 10/517,338 are drawn to a co-administration of an antitumor antibody (e.g. G250) and interferon (e.g. interferon- α). That this co-administration of G250 and interferon- α leads to an increased efficacy in the treatment of renal cell carcinoma as compared to administration of either G250 or interferon- α alone along with a reduction in side effects. The increased efficacy is due to a synergistic effect from the co-administration of the anti-tumor antibody and an interferon. This synergistic effect could not have been predicted from the disclosure in Bluemer which discloses only a monotherapy.



12 Feb 2009

7. That data regarding the increased has been presented at: 1) the UAU Meeting that took place in Anaheim, California from May 19, 2007 to May 23, 2007; 2) the ASCO meeting that took place in Chicago, Illinois from June 1, 2007 to June 5, 2007; and 3) the UCS meeting that took place on October 12-23, 2007. This data is included in Appendix A.

8. That the data shows that a combination therapy of G250 and IFN- α has increased efficacy as compared to a G250 monotherapy as disclosed in Bluemer.

9. The undersigned further declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

by

Stefan Ulrich

Date

Sven Wamaar

Date 12-02-2007

AUA Meeting on 19-23 May 07 in Anaheim

UPDATE OF SURVIVAL DATA FOR TWO PHASE II STUDIES WITH MONOCLONAL ANTIBODY CG250 (RENCAREX®) IN COMBINATION WITH IL-2 OR IFN α -2A IN METASTATIC RENAL CELL CARCINOMA PATIENTS

N. Neville¹, P. Kloepper¹, P. Bevan¹, C. Mala¹, J. Beck², R. Hofmann³, M. Kindler⁴, P. Mulders⁵, M. Siebels⁶, R. Oberneder⁷

¹ Wilex AG, Munich, Germany

² Department of Hematology/Oncology, Johannes-Gutenberg-Universität Mainz, Germany

³ Department of Urology, Philipps-University-Marburg, Germany

⁴ Onkologische Schwerpunktpraxis, Berlin, Germany

⁵ Department of Urology, University Medical Center Nijmegen, Netherlands

⁶ Department of Urology, Klinikum Großhadern, Ludwig-Maximilians-University, Munich, Germany

⁷ Department of Urology, Klinikum Großhadern, Ludwig-Maximilians-University, Munich, Germany

Background:

cG250 is a chimeric monoclonal antibody of the IgG1 subtype that binds to the cell surface antigen of carboxyanhydrase IX/MN antigen found on 95% of clear cell Renal Cell Cancer Cells (ccRCC) cells but not on normal kidney tissue.

Two multi-center, open-label, prospective, single-arm phase I/II trials have been performed. cG250 was combined with low dose (LD) Interleukin 2 (IL-2) or with LD interferon (IFN) α -2a evaluating the safety and efficacy in patients with metastatic ccRCC.

This abstract provides updated survival and clinical data of these combination studies with cG250.

Methods:

Patients with stage IV ccRCC, nephrectomized for the primary tumor, and in progression at study entry were included in the study. In both trials cG250 was administered intravenously weekly from week 2 to 12. In addition, patients were treated with low dose cytokine treatment from week 1 to 12. At week 16 patients evaluated for clinical response were stratified into 2 groups: a) clinical responders into the extended treatment group to receive treatment for an additional 6 weeks, or b) clinical non-responders into the discontinued group.

Results:

In the combination study with IL-2 35 patients were treated. One out of 30 evaluable patients showed partial remission for at least 8 months. 11 patients had stable disease in week 16; of which 6 patients had durable stable disease of 24 weeks or longer. Clinical benefit, defined as the sum of complete or partial responses and patients with stable disease of ≥ 24 weeks, was obtained in 23% (7/30) patients. Newest data showed a median overall survival of 22 months and a 2 year survival of 45%. Patients receiving extended treatment showed a longer 2 year survival rate than discontinued patients (55% vs. 25%; $p=0.0062$).

For the IFN combination study 26 out of 31 treated patients were evaluable for response to treatment. Two patients showed partial remission and 14 patients had stable disease in week 16. One patient experienced partial remission for at least 8 months. Nine patients had durable stable disease of 24 weeks or longer. Clinical benefit was obtained in 42% (11/26) patients. The median overall survival achieved was 30 months and the 2 year survival was 57%. Patients receiving extended treatment showed a significantly longer 2 year survival rate than discontinued patients (79% vs. 30%; $p=0.0063$).

Conclusion:

The treatment with the antibody cG250 in combination with the cytokines IL-2 or IFN α -2a showed clinical meaningful tumor responses and disease stabilizations and are of clinical benefit for this metastatic ccRCC patient population. The long term overall survival data is encouraging and warrants further investigation in controlled randomized studies.

* Temporary name while under development

ASCO, CHICAGO, 01.-05. JUNE 2007

UPDATE OF SURVIVAL DATA FOR TWO PHASE II STUDIES WITH MONOCLONAL ANTIBODY CG250 (RENCAREX[®]) IN COMBINATION WITH IL-2 OR IFN α -2A IN METASTATIC RENAL CELL CARCINOMA PATIENTS

N. Neville¹, P. Kloepper¹, P. Bevan¹, C. Mala¹, J. Beck², R. Hofmann³, M. Kindler⁴, P. Mulders⁵, M. Siebels⁶, R. Oberneder⁷

¹ Willex AG, Munich, Germany

² Department of Hematology/Oncology, Johannes-Gutenberg-Universität Mainz, Germany

³ Department of Urology, Philipps-University-Marburg, Germany

⁴ Onkologische Schwerpunktpraxis, Berlin, Germany

⁵ Department of Urology, University Medical, Center Nijmegen, Netherlands

⁶ Department of Urology, Klinikum Großhadern, Ludwig-Maximilians-University, Munich, Germany

⁷ Department of Urology, Klinikum Großhadern, Ludwig-Maximilians-University, Munich, Germany

Background:

cG250 is a chimeric monoclonal antibody of the IgG1 subtype that binds to the cell surface antigen of carboxyanhydrase IX/MN antigen found on 95% of clear cell Renal Cell Cancer Cells (ccRCC) cells but not on normal kidney tissue.

Two multi-center, open-label, prospective, single-arm phase I/II trials have been performed. cG250 was combined with low dose (LD) Interleukin 2 (IL-2) or with LD Interferon (IFN) α -2a evaluating the safety and efficacy in patients with metastatic ccRCC.

This abstract provides updated survival and clinical data of these combination studies with cG250.

Methods:

Patients with stage IV ccRCC, nephrectomized for the primary tumor, and in progression at study entry were included in the study. In both trials cG250 was administered intravenously weekly from week 2 to 12. In addition, patients were treated with low dose cytokine treatment from week 1 to 12. At week 16 patients evaluated for clinical response were stratified into 2 groups: a) clinical responders into the extended treatment group to receive treatment for an additional 6 weeks, or b) clinical non-responders into the discontinued group.

Results:

In the combination study with IL-2 35 patients were treated. One out of 30 evaluable patients showed partial remission for at least 8 months. 11 patients had stable disease in week 16; of which 6 patients had durable stable disease of 24 weeks or longer. Clinical benefit, defined as the sum of complete or partial responses and patients with stable disease of ≥ 24 weeks, was obtained in 23% (7/30) patients. Newest data showed a median overall survival of 22 months and a 2 year survival of 45%. Patients receiving extended treatment showed a longer 2 year survival rate than discontinued patients (55% vs. 25%; p=0.0062).

For the IFN combination study 26 out of 31 treated patients were evaluable for response to treatment. Two patients showed partial remission and 14 patients had stable disease in week 16. One patient experienced partial remission for at least 8 months. Nine patients had durable stable disease of 24 weeks or longer. Clinical benefit was obtained in 42% (11/26) patients. The median overall survival achieved was 30 months and the 2 year survival was 57%. Patients receiving extended treatment showed a significantly longer 2 year survival rate than discontinued patients (79% vs. 30%; p=0.0033).

Conclusion:

The treatment with the antibody cG250 in combination with the cytokines IL-2 or IFN α -2a showed clinical meaningful tumor responses and disease stabilizations and are of clinical benefit for this metastatic ccRCC patient population. The long term overall survival data is encouraging and warrants further investigation in controlled randomized studies.

* Temporary name while under development

Kidney Cancer Symposium in Chicago (12.-13. Oktober 2007).

REVIEW OF THE MONOCLONAL ANTIBODY cG250 (RENCAREX[®]) ALONE OR IN COMBINATION WITH IL-2 OR IFN α -2a IN METASTATIC RENAL CELL CARCINOMA PATIENTS

N. Neville¹, P. Kloepper¹, P. Bevan¹, C. Mala¹, J. Beck², R. Hofmann³, M. Kindler⁴, A. Knuth⁵, P. Mulders⁵, M. Siebels⁶, G. Stoter⁶, R. Oberneder⁷

¹Willex AG, Munich, Germany; ²Department of Hematology/Oncology, Johannes-Gutenberg-Universität Mainz, Germany; ³Department of Urology, Philipps-University-Marburg, Germany; ⁴Onkologische Schwerpunktpraxis, Berlin, Germany; ⁵Hospital Northwest, Frankfurt/Main; ⁶Department of Urology, University Medical Center Nijmegen, Netherlands; ⁷Department of Urology, Klinikum Großhadern, Ludwig-Maximilians-University, Munich, Germany; ⁸Department Medical Oncology, Rotterdam Cancer Institute, Daniel den Hoed Kliniek, The Netherlands

Background:

cG250 is a chimeric monoclonal antibody (IgG1) that binds to the cell surface antigen carboxyanhydrase CA-IX expressed on 95% of clear cell Renal Cell Cancer (ccRCC) cells but not on normal kidney tissue, and elicits antibody dependent cellular cytotoxicity (ADCC). Three multi-center, open-label, prospective, single-arm phase I/II trials were completed of cG250 monotherapy or in combination with low dose (LD) Interleukin-2 (IL-2) or Interferon (IFN) α -2a. Here we provide updated survival and clinical data of these three studies with cG250.

Methods:

Patients with stage IV ccRCC, nephrectomized for the primary tumor, and in progression at study entry were included. In the monotherapy study cG250 was given intravenously (i.v.) at a dose of 50 mg per week (week 1-12). In the combination trials 20 mg of cG250 weekly (week 2-12) was combined with LD subcutaneous injections (s.c.) of IL-2; (1.8 – 5.4 MIU/day) or with LD s.c. IFN α -2a (3 MIU, 3 times per week). LD cytokines were administered from week 1 to 12. At week 16 patients were evaluated for clinical response and stratified into 2 groups: 1) the extended treatment group, including clinical responders (and non-responsive patients if further treatment was considered clinically useful by the investigator). These patients were treated for an additional 8 weeks in the monotherapy trial, or 6 weeks in the combination trials or; 2) the progressive group, which received no further treatment.

Results:

In the **monotherapy study** 32 of 36 included patients were evaluable for response to treatment, eleven of whom showed stable disease (SD) in week 16. One patient experienced a minor response in week 44 and another patient a complete response (CR) in week 38. Clinical benefit defined as a complete or partial response or SD lasting 24 weeks or longer, was observed in 28% (9/28) of the patients. The median survival was 15 months, and the 2 year survival was 41% of the evaluable patients. Patients receiving extended treatment with cG250 for a further 8 weeks showed a median survival of 39 months, compared to 10 months in the discontinued group. 70% of patients in the extended group were still alive after 2 years, whereas only 26% of the discontinued group survived longer than 2 years ($p=0.01$).

In the **combination study with IL-2** 35 patients were treated. One out of the 30 evaluable patients showed partial remission for at least 8 months. Eleven patients had stable disease in week 16, six of whom had durable stable disease lasting 24 weeks or longer. Clinical benefit was observed in 23% (7/30) patients. A median overall survival of 22 months and a 2 year survival of 45% were noted. Patients receiving extended treatment showed a longer 2 year survival than discontinued patients (55% vs. 25%; $p=0.0062$).

For the **IFN combination study** 26 out of 31 treated patients were evaluable for response to treatment. Two patients showed partial remission and 14 patients had stable disease in week 16. One patient experienced partial remission for at least 8 months. Nine patients had durable stable disease of 24 weeks or longer. Clinical benefit was obtained in 42% (11/26) patients. The median overall survival achieved was 30 months and the 2 year survival was 57%. Patients receiving extended treatment showed a significantly longer 2 year survival rate than discontinued patients (79% vs. 30%; $p=0.0083$).

Conclusion:

Short-term treatment with the antibody cG250 either as monotherapy or in combination with the cytokines IL-2 or IFN α -2a led to clinically meaningful tumor disease stabilization and demonstrated clinical benefit in this pretreated, progressive metastatic ccRCC patient population. The long term overall survival data are encouraging and warrant further investigation in controlled randomized studies.

* Temporary name while under development

